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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/303,343	04/30/1999	MOHAMED ANISUR RAHMAN	RAHMAN-6	8223

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EXAMINER

TRAN, PHUC H

ART UNIT PAPER NUMBER

2668

DATE MAILED: 01/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/303,343

Applicant(s)

RAHMAN, MOHAMED ANISUR

Examiner

PHUC H. TRAN

Art Unit

2668

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-7 and 9-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-7 and 9-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 7, 9-15 and 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Jayapalan (U.S. Patent No. 5533019).

- With respect to claims 1, 9, 12-15, and 18-20, Jayapalan teaches a method of communicating between a wireless unit (1 and 5 in Fig. 1) and a packet data network (23 in Fig. 1), comprising the steps of:

establishing a circuit switched link between the wireless unit and a base station (bridge paragraph between col. 2-3);

sending a setup packet over a circuit switched link (col. 4, lines 38-42; col. 6, lines 56-58) between the wireless unit and a base station to establish a data session (e.g. block 5 and 10 in Fig. 1) between the wireless unit and the packet data network (block 5 and 23 in Fig. 1);

sending data packets for the data session over a packet switch link between the wireless unit and the packet data network on a wireless resource (e.g. block 5 to block 15 to 23 in Fig. 1) that has been temporarily allocated in response to a request for a wireless resource to send data packet for the data session (e.g. the digital image sends through the Internet is temporarily for reducing the load and the cost to the mobile subscriber).

wherein TCP/IP is used as the transport protocol for the packet data network and the setup packet is a TCP setup packet sent on one or more voice frames over the already established circuit switched link (col. 4, lines 55-56).

- With respect to claim 7, Jayapalan also teach maintaining the circuit switched link for at least the duration of voices call on the circuit switched link (e.g. the parallel transmission between the wireless units e.g. Fig. 1 shows the digital image and voice call are parallel).

- With respect to claims 10, and 11, Jayapalan teaches wherein the step of sending data packets further includes: sending data packets for the data session on a reverse/forward switched link from the wireless unit to a base station (e.g. block 6 and 7 in Fig. 1).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4-6 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jayapalan et al. (U.S. Patent No. 5533019) in view of Forslow (U.S. Patent No. 6608832).

- With respect to claims 4-5, and 16-17, Jayapalan discloses all the aspect of the claimed invention as set forth above but fails to teach multiplexing the setup packet with a traffic frame over the circuit switched link. Forslow discloses the same or similar field of endeavor teaches multiplexing the setup packet with a traffic frame over the circuit switched link (col. 4, lines 56-58; col. 12, lines 11-14). Thus, it would have been obvious to a person ordinary skill in the art at

the time of the invention was made to use the multiplexing step as taught by Forslow in the wireless communication network. The multiplexing step can be implemented by placing the multiplexing step at the wireless unit to multiplex the setup packet, the traffic frame and voice frame over the circuit switched link. The motivation for using the multiplexing step of Forslow in the wireless communication network for faster setup and reducing the load for a subscriber.

- With respect to claim 6, Jayapalan also teach maintaining the circuit switched link for at least the duration of a voice call on the circuit switched link (e.g. the parallel transmission between the wireless units e.g. Fig. 1 shows the digital image and voice call are parallel).

Response to Arguments

5. Applicant's arguments filed 10/12/05 have been fully considered but they are not persuasive.

- In response to Applicant's argument that "Jayapalan does not disclose, teach or suggest setup packets, much less sending a setup packet as secondary traffic" (page 7). Examiner respectfully disagrees. Jayapalan teaches the separating of voice and data in hybrid data channel after establishing a connection between mobile and base stations. The first traffic is from block 5 to 44 in Fig. 2 and the second traffic is from blocks 5 to 38 in Fig. 4. Therefore, Jayapalan teaches the step of setup packet as secondary traffic as the claimed.

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Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUC H TRAN whose telephone number is (571) 272-3172. The examiner can normally be reached on M-F (8-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chieh M. Fan can be reached on (571) 272-3042. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phuc Tran
Assistant Examiner
Art Unit 2664

P.t
December 30, 2005


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PRIMARY EXAMINER